

501 KAR 2:070. Work release.

RELATES TO: KRS 533.010, 533.025

STATUTORY AUTHORITY: KRS 196.035, 197.020, 533.010(14)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 533.010(14) requires the Department of Corrections to promulgate an administrative regulation to develop written criteria for work release privileges granted by the statute. This administrative regulation establishes work release procedures.

Section 1. (1) The criteria to be used in the determination of granting work release shall be the following:

(a) The defendant granted work privileges shall have a suitable job placement, at a lawful wage, as approved by the sentencing court.

(b) The defendant's job placement shall be within the boundaries of the Commonwealth and shall not require travel outside of the Commonwealth.

(c) The defendant shall provide or arrange transportation to and from the employment site in a lawful manner.

(d) The defendant's employer shall be willing to cooperate with all law enforcement agencies in the verification of the conditions of the defendant's work release.

(2) If the defendant is paying for a part of his incarceration through court-ordered work release, it shall be the responsibility of the jailer or designee to notify the Department. The amount paid by the defendant toward his incarceration shall be forwarded to the Department on a monthly basis along with the jail housing bill.

Section 2. The jailer may deny work release privileges to a defendant for violating any duly promulgated or adopted rule of the jail governing inmate conduct or work release including:

(1) Returning to the jail under the influence of drugs or alcohol;

(2) Promoting or attempting to promote contraband; and

(3) Failing to notify the jailer of any change in the status of his employment.

Section 3. Upon denial of work release privileges, a written report shall be completed stating the reasons for the suspension of these privileges and citing the rule or regulation that has been violated.

(1) The jailer shall provide a copy of the report to the defendant within twenty-four (24) hours.

(2) The jailer shall file the report and supporting documentation with the court of jurisdiction within the time specified in KRS 533.010(13). (25 Ky.R. 713; Am. 1355; eff. 12-17-98; 34 Ky.R. 1168; 1955; eff. 3-7-2008; 37 Ky.R. 2935; eff. 10-7-11.)